

Behind the Badge

Fireworks in Wisconsin

Every year the questions arise on what is legal and what is not related to fireworks. This article is intended to address recurring issues with respect to the possession, sale and use of fireworks in Wisconsin. Enforcement responsibility & authority relating to the possession and/or sale of fireworks in the City of Evansville rests with the Evansville Police Department.

Local ordinance 82-141 (below) regulates fireworks within the City of Evansville. Some fireworks are legal without a permit and some are legal only if a permit has been issued by the City of Evansville, City Clerk.

Legal Fireworks Without a Permit

State law allows the sale, possession and use, without a permit, of sparkler not exceeding 36 inches in length, stationary cones and fountains, toy snakes, smoke bombs, and caps, noisemakers and confetti poppers with less than 1/4 grain of explosive mixture. {Wis. Stat. § 167.10(1)}. There is no age restriction on sale, possession or use of these devices and the statute does not classify them as fireworks. These are the only kinds of "fireworks," as that word is commonly used, that a person may use or possess without a permit or that may be sold to a person who does not have a permit.

Illegal Fireworks Without A Permit

Possessing or using any other fireworks, including, for example, firecrackers, roman candles, bottle rockets and mortars, without a valid permit is illegal. Wis. Stat. § 167.10(3). A commonly used rule of thumb is that a permit is required if the device explodes or leaves the ground. The sale of restricted fireworks to a person without a valid permit is also illegal. Wis. Stat. § 167.10(2).

Conditions For a Valid Permit

Requirements for a valid permit are contained in Wis. Stat. § 167.10(3)(a), (c) and (f) and are detailed below.

A permit may only be issued by a mayor, village president or town chair or a municipal employee or official they have designated. Wis. Stat. § 167.10(3)(a).

A permit is valid only in the city, village or town of the official who issued it. A mayor, village president or town chair can only authorize possession or use of fireworks within their jurisdiction. Wis. Stat. § 167.10(3)(a).

Some additional requirements when applying for a permit include: A permit must specify the kind and quantity of fireworks allowed, using, or possessing. A permit must specify the location at which the fireworks may be possessed or used. The permit must specify the date of the permitted use. A copy of the permit must be given to a fire or law enforcement official in the municipality which issued the permit at least two days before the date of use. Permits may not be issued to minors.

Penalties

A person who possesses or uses fireworks without a valid permit, or who sells fireworks to a person who does not have a valid permit, is subject to a forfeiture of up to \$1,000 per violation. Wis. Stat. § 167.10(9)(b). Each firework illegally possessed, used or sold may be a separate violation.

A parent or guardian who allows a minor to possess or use fireworks (not including those for which no permits are required) is subject to a forfeiture of up to \$1,000 per violation. Wis. Stat. § 167.10(9)(c).

Evansville Municipal Ordinance: DIVISION 2. FIREWORKS

Sec. 82-141. Adoption of state law.

The provisions of Wis. Stats. § 167.10, regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, are adopted by reference and made a part of this section as though set forth in full. (Code 1986, § 9.05)

Conclusion:

As mentioned herein, the simplest rule of thumb is that a permit is required if the fireworks device explodes or leaves the ground. The permits required are quite restrictive. If a person is in possession of any firework(s) that explodes or leaves the ground, they would be in direct violation of City ordinance and subject to a fine(s) if they were not in possession of a valid permit, issued by the Evansville City Clerk. A copy of this same permit is also required to be on file at the Evansville Police or Fire Department. If you are considering working with fireworks, I would encourage you to review § 167.10 Wis. Stats. The Wisconsin Department of Justice contributed to the information contained in this article. For more information visit the Evansville Police web page at: <http://www.ci.evansville.wi.gov/city/services/police.html>